

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

*

Criminal No. CCB-09-400

GERROD DAVIS

*

* * * * *

MOTION TO SUPPRESS CUSTODIAL STATEMENTS

The Defendant, Gerrod Davis, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Gary W. Christopher, First Assistant Federal Public Defender, respectfully moves for the order of this Honorable Court suppressing any and all statements, admissions, and confessions allegedly given by the defendant, whether oral, written or otherwise recorded, which the government proposes to use as evidence against him.

In support of this motion, the defendant states the following:

1. Defendant has been charged by indictment with possession with intent to distribute fifty grams or more cocaine base, in violation of 21 U.S.C. § 841(a)(1).
2. Discovery made available by the government indicates that the government intends to introduce at trial statements allegedly made by the defendant while in the custody of the arresting law enforcement officers.
3. Any such statements, admissions or confessions were obtained in violation of the defendant's privilege against self-incrimination and his right to counsel, as guaranteed by the Fifth and Sixth Amendments to the United States Constitution.
4. Any statements, admissions or confessions were obtained in violation of the rights

secured the defendant by the Supreme Court's holding in *Miranda v. Arizona*, 384 U.S. 436 (1965).

5. Any statements, admissions or confessions made by the defendant at the time of his arrest were involuntary.

6. The defendant is entitled to a hearing on the voluntariness of any statements, admissions or confessions attributed to him, in accordance with the provisions of Title 18 U.S.C. § 3501 and the principles set forth in *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).

WHEREFORE, for the above reasons and for any other reasons which may appear to the court, the defendant moves that all statements, admissions or confessions, which the government proposes to use as evidence against him, whether oral, written or otherwise recorded, be suppressed.

Respectfully submitted,

JAMES WYDA
Federal Public Defender

/s/

GARY W. CHRISTOPHER, #24215
First Assistant Federal Defender
Tower II, Suite 1100
100 S. Charles Street
Baltimore, Maryland 21201
(410) 962-3962 (p)
(410) 962-0872 (f)
Email: gary_christopher@fd.org

MEMORANDUM OF POINTS AND AUTHORITIES

1. Fifth Amendment to the United States Constitution.
2. Sixth Amendment to the United States Constitution.
3. *Miranda v. Arizona*, 384 U.S. 436 (1966).
4. *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).
5. Title 18 U.S.C. § 3501.

/s/

GARY W. CHRISTOPHER, #24215
First Assistant Federal Defender

REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, a hearing is requested on the Defendant's motion.

/s/

GARY W. CHRISTOPHER, #24215
First Assistant Federal Defender